



UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

JASON MASON,

Plaintiff,

-against-

CITY OF NEW YORK, ET AL.,

Defendant.

19-CV-5450 (VSB) (KHP)

ORDER

**THE HONORABLE KATHARINE H. PARKER, United States Magistrate Judge**

Before this Court is Defendants' letter, dated December 28, 2021, requesting that the Court dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure ("FRCP") 41(b) and failure to abide by a court order to provide discovery pursuant to FRCP 37(b) due to Plaintiffs failure to provide a medical release as ordered by the undersigned. In the alternative, the Defendants request that they be relieved of their obligation to depose Plaintiff until Plaintiff provides Defendants with a release to obtain updated medical records. (ECF No. 108.) The same day, Plaintiff filed a letter on ECF requesting that the undersigned close discovery and set a deadline for Defendants to make a motion for summary judgment and set a trial date. (ECF No. 109.)

There will be no trial scheduled unless Plaintiff complies with the Court's prior orders (ECF Nos. 84, 94.) to sign the medical releases and return them to the Defendants' counsel. If Plaintiff does not comply by March 4, 2022, the undersigned will recommend that this case be dismissed for failure to prosecute and failure to comply with discovery orders. To the extent

that Defendants choose not to take Plaintiff's deposition, that is their choice. They are granted thirty days after receiving the relevant medical records to conduct Plaintiff's deposition.

For the above reasons, Plaintiff's request to set a briefing schedule and trial date is DENIED. Defendants shall provide the Court with a status update as to Plaintiff's compliance by March 6, 2022.

Dated: January 3, 2022  
New York, New York

So ordered,



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KATHARINE H. PARKER  
United States Magistrate Judge